



**Mary Fallin**  
Governor

**FILED**

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OKLAHOMA SECRETARY  
OF STATE

**EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER 2015-21**

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Today, I have signed into law Senate Bill 499. This new and important law will help expedite necessary repairs to businesses that provide critical infrastructure services to Oklahomans—like telecommunications, power, and water—during times of emergency and disaster. The law removes regulatory obstacles that would otherwise delay help from neighboring states after major storms or other emergencies, and is part of a multi-state initiative to make sure that states work cooperatively and quickly in times of need.

However, I understand that there is some concern as to whether other “authorized” Oklahoma officials could inappropriately issue declarations of emergency upon request of a business, in situations that do not truly warrant a crisis, or for businesses that are only tangentially related to infrastructure. These concerns, while understandable, are unsupported by the plain language of the statute.

First, the statute clearly limits the ability of other State officials to issue such declarations only to those times when “a good faith response effort is required.” Such crises should be equivalent in terms of severity and public impact as those for which a State of Emergency Proclamation is issued; accordingly, the need to declare a disaster or emergency when a Proclamation has not been issued should be exceedingly rare.

Moreover, because the statute does not explicitly define who the other “authorized” officials are who may declare emergencies for critical infrastructure repair, that power and responsibility—to designate authorized officials—must necessarily fall to the Governor. Generally, Oklahoma law only vests the Governor, as Chief Executive of the State, and the Legislature with the ability to issue emergency declarations during times of public unrest, or for man-made or natural emergencies. *See* 21 O.S. § 1321.3 and 63 O.S. § 683.9. Such limited delegation of control makes good sense: it is during times of crisis and confusion that government needs to speak clearly and with a uniform voice. Accordingly, I hereby order all State officials to notify the Governor’s Office immediately upon receipt of an emergency declaration request from a critical infrastructure provider, and to refrain from issuing any emergency declarations unless and until they have received a written authorization from the Governor. This intuitive interpretation of the new law will ensure that our government works efficiently, with consistent standards, and with focused coordination.

Second, the statute unmistakably limits its regulatory exemptions to those businesses that provide core, critical infrastructure services—“telecommunications provider[s]”; “cable operator[s]”; “communications networks”; “electric generation, transmission and distribution

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systems”; “natural gas and natural gas liquids gathering, processing, storage, transmission and distribution systems”; “water pipelines, and related support facilities *that service multiple customers or citizens*” (emphasis added). As a result, the new law explicitly conditions its application so as to prevent inappropriate use by out-of-state tradesmen who want to avoid Oklahoma licensing and registration requirements or taxes where no true public threat is implicated.

Like Oklahomans everywhere, I am proud of our citizens’ willingness to rush to our neighbors’ aid in times of emergency. And I am excited about Oklahoma’s participation in this innovative, regional effort to lessen the hardships felt by ordinary people when disaster strikes.

This Executive Order shall be distributed to the Director of the Oklahoma Department of Emergency Management and to all of my Cabinet Secretaries, who shall cause the provisions of this Order to be implemented as herein directed.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 20th day of April, 2015.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
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MARY FALLIN

